

REMARKS

Applicant wishes to thank the Examiner for the attention accorded to the instant application, and respectfully requests reconsideration of the application as amended.

Formal Matters

Claims 1 and 3-14 are the claims currently pending in the present Application. Claims 1 and 6 are amended; claim 2 had previously been canceled. In particular, independent claims 1 and 6 are amended to recite that the apparatus is hand held. Support for this amendment can be found in the specification on page 8, lines 10-11.

Rejection of Claims 1 and 3-14 under 35 U.S.C. §103

Claims 1 and 3-14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schena et al., U.S. Patent No. 6,546,418, in view of Dougherty et al., U.S. Patent No. 6,587,859 and Turlington, "Sams Teach Yourself Netscape Communicator® 4.5 in 24 Hours". This rejection should be withdrawn based on the comments and remarks herein.

Schena teaches methods and apparatus for scanning machine-readable codes, such as barcode images, containing link information, such as a URL, and storing the codes in memory (abstract, column 7, lines 64-65). As the Examiner acknowledges, Schena does not teach displaying a scanned image on his apparatus. Schena teaches an apparatus having three components: a scanner, a receiver, and a portal server (column 5, line 67 – column 6, line 1). Schena does not teach or suggest a single handheld apparatus or device having a display element, a communication element, a reading element, a memory, and a control element, as recited in independent claims 1 and 6.

Neither Dougherty nor Turlington overcome this deficiency, and the Examiner does not state otherwise. Dougherty teaches improving the human/computer interface by providing

printable interfaces that enable a user to invoke and control computer processes, and these processes may be a web site, a web page or a computer application (column 2, lines 53-67). The Examiner cites Turlington as teaching a bookmark icon, that, when selected, displays the list of bookmarked resources, and does not suggest that Turlington discloses a handheld apparatus. Accordingly, independent claims 1 and 6 are patentably distinguish over the art of record in the application.

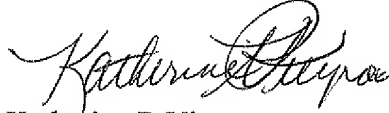
It has been held by the courts that to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. See, *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). As illustrated above, the hypothetical combination of Schena, Dougherty, and/or Turlington does not teach or suggest a handheld apparatus or device having a display element, a communication element, a reading element, a memory, and a control element, and does not teach or suggest each and every feature of the present invention as recited in independent claims 1 and 6. Thus *prima facie* obviousness has not been established, so that these independent claims are distinguishable over the art of record in the application. Claims 3-5 depend from claim 1, and claims 7-14 depend from claim 6, each dependent claim incorporating all of the features and limitations of its base claim. Thus, these dependent claims are patentably distinguishable over the art of record in the application for at least the reasons that their base claims are patentably distinguishable over the art of record the application. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In light of the foregoing, Applicant respectfully submits that all pending claims recite patentable subject matter, and kindly solicits an early and favorable indication of allowability. If

the Examiner has any reservation in allowing the claims, and believes a telephone interview would advance prosecution, he is kindly requested to telephone the undersigned at his earliest convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Katherine R. Vieyra". The signature is fluid and cursive, with the first name being the most prominent.

Katherine R. Vieyra
Registration No. 47,155

Scully, Scott, Murphy & Presser
400 Garden City Plaza, Ste. 300
Garden City, New York 11530
(516) 742-4343 Ext. 4665
KRV:jam